IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15709 of 2005

Between:

Pilla Nookaraju, s/o late Narasimha,
r/o Desapatrunipalem Village, Paravada Mandal, Visakhapatnam District.

..... PETITIONER

AND

1. State of Andhra Pradesh, rep., by the District Collector, Visakhapatnam District.
2 The Revenue Divisional Officer, Visakhapatnam District.
3 The Mandal Revenue Officer, Paravada Post, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of mandamus declaring the inaction of the respondents in not passing orders on the petitions dated 29-1-2005 and 21-2-2005 for issuance of patta in respect of Ac.1.50 cents of dry land in Sy.No.351 of Desapatrunipalem Village, Paravada Mandal, Visakhapatnam District in favour of the petitioner who is a landless poor person and who is in occupation of the said land for over 35 years as being illegal, unjust, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE

The Court, at the stage of admission, made the following:

Oral order:

This writ petition is filed seeking a direction to the respondents to pass orders on the petitions dated 29-01-2005 and 21-02-2005 for issuance of pattas in respect of the dry land in an extent of Ac.1-50 cents in survey No.351 of Desapatrunipalem village, paravad mandal, Visakhapatnam district in favour of the petitioner, who is a landless poor and who is in occupation of the said land for over 35 years.

The petitioner is stated to be a landless poor person and occupied the government poramboke dry land in an extent of Ac.1-50 cents in survey No. 351 of Desapatrunipalem village out of total extent of Ac.7-50 cents. After making development of the land, he raised casuarina topes and eking out livelihood by cutting the same once in six years by rotation for the past 35 years. The authorities are collecting land revenue every year. On 01-12-2004 the Power Grid Corporation of India Limited has deposited a sum of Rs.10,346-00 in his account towards compensation for cutting casuarina trees of five years old measuring 30/28 and six mango trees for the purpose of laying high tension wires across the land in which the petitioner is in occupation and possession after issuing a notice dated 06-09-2004 under Indian Telegraph Act of 1885. The 3rd respondent, at the instance of some rich people, threatening to evict the petitioner from the land in question. It is averred that the petitioner has submitted representations dated 29-01-2005 and 21-02-2005 for issuance of pattas in respect of the land he is in occupation and possession. The said representations are pending consideration. Hence this writ petition.

Considering the facts and circumstances of the case and on hearing the learned counsel for the petitioner and the learned Government Pleader for respondents, I deem it appropriate to dispose of the writ petition directing the respondents to consider and dispose of the representations dated 29-01-2005 and 21-02-2005 of the petitioner for issuance of patta in favour of the petitioner in respect of the land in

an extent of Ac. 1-50 cents in survey No. 351 of Desapatrunipalem village, Paravada Mandal, Vishakapatnam within a period of eight (8) weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing. Till such time, the respondents are directed not to evict the petitioner from the land in question.

The writ petition is disposed of as above. No costs.

ELIPE DHARMA RAO, J

Dt. 20-07-2005

Pvks/*

To

1. The District Collector, State of Andhra Pradesh, Visakhapatnam

District.

2 The Revenue Divisional Officer, Visakhapatnam District.

3 The Mandal Revenue Officer, Paravada Post, Visakhapatnam District.

4. 2 CCs., to the learned Government Pleader for Revenue, A.P. High Court Buildings, Hyderabad (OUT).

5 2 CD copies

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